

13.12.2024

AKG

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Ct.No.15

WPA 29631 of 2024

Santosh Gupta

Vs.

The Howrah Municipal Corporation and Ors.

Mr. Nilanjan Bhattacharjee,
Mr. Abhilash Chatterjee

...for the Petitioner

Mr. Sandipan Banerjee,
Mr. Ankit Sureka

..for HMC

The petitioner alleges that the Corporation intends to demolish part of the construction at premises No. 15, Kailash Bose 3rd Bye Lane, Post Office – Howrah, Police Station – Howrah, District – Howrah, PIN – 711 101, without issuing any prior notice and providing opportunity of hearing to him.

However, it appears that a demolition proceeding was initiated by the Corporation, with due notice issued to the petitioner. Furthermore, a second demolition order, dated September 14, 2023, was communicated to the petitioner's father.

At the hearing, before the Corporation, the learned advocate for the petitioner was present.

The Corporation submits that the petitioner not only engaged in the unauthorized construction of an additional floor on the fourth level of the building but also made further unauthorized modifications on each of the floors beyond the approved plan.

The Corporation has provided a copy of the demolition order to the learned advocate for the petitioner today.

Since the allegations of the petitioner is baseless, I am not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed.

Following the dismissal of the petition, the learned advocate for the petitioner, on instructions, undertakes to demolish the unauthorized portion of the building within three months from the date, after vacating the building of the existing occupants.

In view of the aforesaid, the Corporation shall refrain from proceeding with the demolition for a period of three months from date. Should any unauthorised construction remain undemolished after the three-month period, the Corporation will be at liberty to proceed with the demolition.

The petitioner further undertakes not to create any third-party interest in respect of the building in question.

WPA 29631 of 2024 is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)